

Food Industry Environmental Council ● 2000 Corporate Ridge, Ste. 1000 ● McLean, VA 22102

TEL: 703/821-0770 ● FAX: 703/821-1350

October 6, 2003

EPA Docket Center
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Docket No. OEI-2003-0025

**RE: Toxic Chemical Release Reporting; Request for Comment on Renewal
Information and Proposed Changes to Part II of the Form R
Collection**

To the Docket:

The Food Industry Environmental Council (FIEC) is a coalition of more than 50 national food trade associations and companies that together represent more than 15,000 facilities across the country, employing approximately 1.5 million people. FIEC members have a strong interest in Toxic Chemical Release (TRI) reporting issues. A significant number of food facilities file TRI forms, and historically, FIEC has actively participated in the TRI dialogue.

FIEC is concerned that the proposed revisions to Form R will increase, rather than decrease the reporting burden. Form A, which is appropriate for many industrial uses of chemicals including those of the food industry, is not being used effectively to reduce that burden. Importantly, as a result, collected information is meaningless and/or distorted. FIEC requests that EPA reconsider the proposed changes.

Specifically, FIEC recommends that the 500-pound threshold calculation for Form A be changed to delete chemicals that are eliminated, neutralized or destroyed prior to release. EPA refers to the elimination, neutralization or destruction of a chemical at a facility as treatment onsite. Chemicals that are treated onsite are currently required to be included in the 500-pound release threshold even though they are never released. Two examples illustrate why this current reporting requirement is overly burdensome and results in the collection of unhelpful information.

First, as others have noted in calendar year 2000, the food processing industry filed 364 Form R reports for the use of nitric acid alone. Of these 364 reports, 330 had total onsite and offsite releases of zero, 24 had total onsite and offsite releases between 2 and 295 pounds, 10 had releases in excess of 500 pounds. All 364 used the Form R report because they exceeded the threshold to use Form A. (Please refer to specific examples for the dairy industry in the comments of the International Dairy Foods Association.) Clearly, the vast majority of nitric acid reports from the food industry are providing little or no helpful TRI information, while imposing significant reporting burdens on regulated entities.

A second example of data that is of limited use but poses a serious burden to the food industry is the Form R requirement to report polycyclic aromatic compounds (PACs). PACs are both present in and created by combustion of certain fuels. During combustion PACs that are present in fuels are destroyed. PACs trigger food industry reporting that are present in fuels which when summed determine whether the 100-pound "otherwise use" threshold is reached. Almost all PACs present in fuels are destroyed in the combustion process. The amount of PACs ultimately released depends upon the amount coincidentally manufactured that can be calculated by EPA sanctioned emission factors (absent information to the contrary). As noted in the example below, the amount created and emitted is insignificant, as compared to the significant resources necessary to calculate and report results.

Example: Consider a food facility that burns 6000 gallons of Number 6 fuel oil during the course of an entire year. The fuel would contain approximately 119 pounds of PACs according to EPA's default concentrations. This amount exceeds the 100-pound "otherwise use" threshold and triggers a reporting obligation. The 119 pounds of PACs, however, are destroyed during combustion. The reporting entity must then consider the quantity of PACs that are created. Using EPA's emission factors, the combustion process of 6000 gallons of fuel creates and the facility will release approximately 0.000099 pounds of PACs. Ultimately, 119 pounds of PAC's will be reported as treated onsite in Section 8.6 of the Form R report. Because PACs are destroyed during the fuel's combustion, and the pounds created by the facility are rounded to 0.00, the report reflects a zero release in Sections 5.2 and 8.1.

Third, lead is a naturally occurring contaminant in several ingredients used to manufacture animal feed, such as zinc oxide, manganous oxide, copper oxide, copper sulfate, dical and manganese sulfate. Even though the lead concentrations in these chemicals is very low, the cumulative total can easily exceed the 100 pound threshold given the large amounts of raw material used during feed manufacturing, precluding use of the less burdensome Form A. In one case, a feed manufacturer calculated emissions of lead from one facility at 0.00013 pounds and another at 0.00012 pounds. Clearly, reporting these low-level emissions provides little useful information to the public.

Food Industry Environmental Council Comments
Docket OEI-2003-0025
October 6, 2003

These examples illustrate how the food industry is called upon to report “zero” releases, and cannot use the shorter less burdensome TRI Form A. The resource burden imposed upon the food industry is significant without providing an offsetting meaningful information benefit to EPA or to communities. TRI reporting forms are becoming longer. Changes in TRI formats require new software and systems, resulting in a continued drain on company resources. FIEC believes a reduction in the reporting burden is appropriate and necessary, and will help ensure meaningful and accurate TRI reporting.

FIEC appreciates the opportunity to comment on TRI reporting issues. Please contact us if you have any questions or comments.

Sincerely,

American Bakers Association
American Feed Industry Association
American Frozen Food Institute
Corn Refiners Association
Grocery Manufacturers of America
Institute of Shortening & Edible Oils
International Dairy Foods Association
Midwest Food Processors Association
National Food Processors Association
National Grain and Feed Association
National Oilseed Processors Association